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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,495	12/12/2005	Claus-Markus Pfeffer	502901-355PUS	4548
27799 7590 09/18/2008 COHEN, PONTANI, LIEBERMAN & PAVANE LLP 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176				
EXAMINER CABRERA, ZOILA E				
ART UNIT 2123		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/560,495

**Applicant(s)**

PFEFFER, CLAUD-MARKUS

**Examiner**

Zoila E. Cabrera

**Art Unit**

2123

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-7,9-18,21-28 and 30-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-18,21-28 and 30-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/24/08
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Final Rejection***

1. Claims 1, 3-7, 9-18, 21-28, 30-33 are presented for consideration.

Claims 2, 8, 19-20, and 29 have been cancelled.

The rejection of claims 1, 3-7, 9-18, 21-28, 30-33 is maintained.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 3-7, 9-18, 21-28, 30-33 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-7, 9-18, 21-28, 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kurihara et al. (US 6,697,695)** in view of **Chen et al. (US 2005/0164684 A1)** and further in view of **Kitagawa et al. (US 5,224,047)**.

**Kurihara** discloses,

1. (Currently Amended) A fault message system comprising  
a plurality of spatially distributed production units (Fig. 13 and 17, element 60; Col. 8, lines 61-67), each production unit comprising means for generating and indicating fault

signals (Fig. 17; Col. 3, line 1), wherein two or more of said production units are arranged to form at least one group (Fig. 22), a fault alarm box configured for receiving and forwarding fault messages (Col. 20, lines 20-27; Fig. 14), a process computer in communication with the fault alarm box (Fig. 14, element 90; Col. 12, lines 43-45; Fig. 15; warning display is connected with fault alarm box or warning function in server and the fault alarm box is connected with a process computer in order to process the data), and at least one data receiving unit in communication with the fault alarm box (Fig. 15; warning display is connected with fault alarm box or warning function in server and the fault alarm box is connected with a process computer in order to process the data); wherein the at least one group is associated with the at least one data receiving unit (Fig. 22, Display).

3. (Currently Amended) The fault message system as claimed in claim 1, wherein the fault alarm box is connected to the process computer via a network connection (Fig. 14).

4. (Currently Amended) The fault message system as claimed in claim 3, wherein the network connection is a LAN connection (Fig. 14).

5. (Currently Amended) The fault message system as claimed in claim 3, wherein the process computer is connected to other computers via a second network (Fig. 22).

6. (Currently Amended) The fault message system as claimed in claim 1, wherein the fault alarm box has a data editing unit(Col. 20, line 41 to Col. 21, line 18).

7. (Currently Amended) A method for outputting fault messages from a number of spatially distributed production units forming at least one group of production units (Fig. 22), the method comprising; generating a method fault signal by at least one of said production units (Col. 3, line 1), supplying the method fault signal to a data receiving unit (Fig. 22, monitor 312), forwarding said method fault signal to a fault alarm box (Fig. 22, server 314), supplying a fault message from said fault alarm box to one or more data receiving devices configured for receiving and indicating fault messages (Fig. 22, display), and supplying the fault message from said fault alarm box to a process computer (Col. 4, lines 43-47).

9. The method fault message system as claimed in claim 7, wherein characterized in that the fault signals of the production units are edited in the fault alarm box for conversion into fault messages (Col. 20, lines 41 to Col. 21, line 18).

10. The method as claimed in claim 9, wherein characterized in that a fault signal is only converted into a fault message in the fault alarm box when it is present for a predetermined period of time (Col. 16, line 49 to Col. 17, line 12).

11. The method as claimed in claim 9, wherein a fault signal is only converted into a fault message in the fault alarm box when a particular period of time has elapsed since the last presence of the previous fault signal (Col. 16, line 49 to Col. 17, line 12).

12. The method as claimed in claims 7, wherein the fault message is supplied to the process computer at a different time than the fault message is supplied to said data receiving units (Col. 19, lines 61-64; Col. 20, lines 28-33).

13. (New) A fault message system comprising:

a plurality of production units, wherein each production unit is associated with a transmitting unit configured for transmitting fault signals relating to said production unit (fig. 22, element 310); at least one group comprising a number of said production units (Fig. 22, elements 311); wherein the at least one group is associated with the at least one data receiving unit which is configured for receiving fault signals transmitted by the transmitting unit associated with any production unit in said group (Fig. 22, element 316); a fault alarm in communication with said data receiving unit (fig. 22, element 314; Fig. 14, elements 223,224); and a process computer in communication with said fault alarm (Fig. 22, either server 314 or monitor 312).

14. (New) The apparatus of claim 13, further comprising a receiving device for receiving a fault message from said fault alarm (Fig. 15, 17, 22).

17. (New) The apparatus of claim 13, comprising a plurality of groups (Fig. 22).
18. (New) The apparatus of claim 13, wherein each group is comprised of production units of an individual production line (Fig. 22).
21. (New) The apparatus of claim 13, wherein said production units are spatially separated (Fig. 22).
23. (New) The apparatus of claim 13, wherein said process computer is adapted to document and evaluate fault messages from said fault alarm (Fig. 14).
24. (New) The apparatus of claim 13, wherein said process computer is connected to said fault alarm via a network connection (Fig. 20).
25. (New) The apparatus of claim 13, wherein said fault alarm has a data editing means for determining when to send a fault message from said fault alarm (Col. 20, line 41 to Col. 21, line 18).
26. (New) The apparatus of claim 13, wherein said fault alarm is adapted to send said fault message only when a fault signal received by said data receiving unit is present for a first predetermined period of time (Col. 16, line 49 to Col. 17, line 12).

27. (New) The apparatus of claim 26, wherein said fault alarm is adapted to send a second fault message only when a second predetermined period of time has passed following the end of the fault signal present for the first predetermined period of time (Col. 16, line 49 to Col. 17, line 12).

28. (New) A method for outputting fault messages comprising:  
generating a first fault signal at a production unit of a group of production units (Fig. 22; Col. 3, line 1); sending said first fault signal to a data receiving unit associated with said group (Fig. 22, monitor 312); transmitting said first fault signal from said data receiving unit to a fault alarm (Fig. 22, server 314); determining whether to send a fault message from said fault alarm (Fig. 14, element 223); and sending a first fault message generated by said fault alarm to at least one data receiving device or process computer (Fig. 22, display).

30. (New) The method of claim 28 further comprising sending said first fault message only when said first fault signal is present in the fault alarm for a predetermined period of time (Col. 16, line 49 to Col. 17, line 12).

31. (New) The method of claim 28 further comprising generating a rising signal while said first fault signal is present in said fault alarm, and sending said first fault message



only when said rising signal exceeds a predetermined threshold value(Col. 16, line 49 to Col. 17, line 12).

32. (New) The method of claim 28 further comprising sending a second fault message from said fault alarm in response to a second fault signal received after sending said first fault message, wherein said second fault message is sent only if a predetermined period of time has elapsed following the end of said first fault signal(Col. 16, line 49 to Col. 17, line 12).

33. (New) The method of claim 28, wherein said first fault message is sent to a data receiving unit and a process computer at different time intervals (Col. 4, lines 43-47).

**Kurihara** discloses most of the limitations of claims 1, 7, 13-14, 28 above but fails to disclose some limitations of claims 1, 7, 13, 15-16, 22 and 28. However, **Chen** discloses such limitations as follows:

As for claims 1, 7, 13, 15-16 and 22, **Chen** discloses,

As for claims 1, 7, 13 and 28,

wherein each production unit is associated with a transmitting unit for the wireless transmission of fault signals and the at least one data receiving unit being configured for wirelessly receiving and indicating the fault signals (Abstract;  
[0078];[0086];[0023];[0073]);

15. (New) The apparatus of claim 14, wherein the receiving device is a mobile telephone ([0104]).

16. (New) The apparatus of claim 14, wherein said fault message is sent in the form of an SMS [0104].

22. (New) The apparatus of claim 13, wherein said fault signals are transmitted via wireless transmission ([0078];[0086]).

Therefore, it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to combine the teachings of **Kurihara** with **Chen** because it would provide an improved system by providing wireless enhanced support within a process control environment (Chen, [0002]).

**Kurihara** and **Chen** disclose most of the limitations of claims 1, 7, 13 and 28 above but fails to specifically disclose said means for indicating fault signals is a lamp or visually displaying the fault signal with a lamp in the data receiving unit or the at least one data receiving unit comprising a lamp. However, **Kitagawa** discloses the use of a lamp for indicating faults signals (Col. 1, lines 39-41). Therefore, it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to combine the teachings of **Kurihara** and **Chen** with **Kitagawa** because it would provide an improved system by using a lamp for easily identifying abnormalities (Kitagawa, Col. 1, lines 35-41).

***Prior Art***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Rheem (US 6,202,000 B1) discloses the use of lamps for visually displaying fault signals (Col. 7, lines 41-61; Col. 3, lines 6-10).**

**Onishi et al. (US 6,996,447) discloses a lamp management apparatus for notifying warnings at the time of occurrence of an abnormality (Abstract).**

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zoila E. Cabrera whose telephone number is 571-272-3738. The examiner can normally be reached on M-F from 8:00 a.m. to 5:30 p.m. EST (every other Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez, can be reached on 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Zoila E. Cabrera/

Primary Examiner, Art Unit 2123

9/19/2008